IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WP(C).No. 25728 of 2007(S)
---
OPGW.54/2006 of FAMILY COURT, THODUPUZHA
.....

PETITIONER:
---

SANIL DATH, S/O.P.N.GOPINATHAN,
KAMALA MANDIRAM, KOTTAKKERAM,
PARIPPALLY P.O., KOLLAM, REPRESENTED BY POWER
OF ATTORNEY HOLDER ZENITH, OF DO, DO.

BY ADV. SRI.B.KRISHNA MANI
SRI.SIJU RAJAN

RESPONDENTS:
---

BEENA GEORGE, PAIKADA HOUSE,
THEKKUMBHAGOM P.O., KARIKODE VILLAGE,
THODUPUZHA, IDUKKI DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**KURIAN JOSEPH & T.R.RAMACHANDRAN NAIR, JJ.**

**----------**

**W.P(C)No.25728 of 2007**

**----------**

**Dated this the 23rd day of August, 2007**

**JUDGMENT**

**Kurian Joseph,J.**

The challenge is on Ext.P14 order passed by the Family Court, Thodupuzha in I.A.No.460/2007 in O.P.(G & W) No.54/2006. As per the said order the Family Court issued a search warrant for production of the child born to the petitioner in the respondent and the case was posted to 18-8-2007. It is submitted that the case was adjourned thereafter to another date. According to the petitioner the Family Court should not have passed the order without affording an opportunity to file an objection in the petition. Be that as it may, it is submitted that the petitioner is willing to produce the child before the Family Court. He is only apprehensive of the further orders to be passed by the Family Court on that day. That is a matter for the petitioner to submit before the Family Court. In anticipation of any apprehended orders this court will not be justified in issuing any orders. Therefore, without prejudice to the liberty to the

petitioner to raise all the contentions regarding the custody of the child before the Family Court itself this writ petition is disposed of. Needless to say that in view of the order as above whereby the petitioner is producing the child before the Family Court on the next date of posting of the case before the Family Court, the warrant need not be executed. It is further made clear that in that view of the matter all other contentions taken by the petitioner are left open.

(KURIAN JOSEPH, JUDGE)

(T.R.RAMACHANDRAN NAIR, JUDGE)

ahg.